

Senate File 459 - Introduced

SENATE FILE 459
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1145)

A BILL FOR

1 An Act modifying provisions relating to utilization of the Iowa
2 communications network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.9, subsection 2, Code 2011, is amended
2 to read as follows:

3 2. *a.* A private or public agency, other than a private
4 college or university or a nonpublic school, which certifies
5 to the commission pursuant to subsection 1 that the agency is
6 a part of or intends to become a part of the network shall use
7 the network for all video, data, and voice requirements of
8 the agency unless the private or public agency petitions the
9 commission for a waiver and one of the following applies:

10 (1) The costs to the authorized user for services provided
11 on the network are not competitive with the same services
12 provided by another provider.

13 (2) The authorized user is under contract with another
14 provider for such services, provided the contract was entered
15 into prior to April 1, 1994. The agency shall use the network
16 for video, data, and voice requirements which are not provided
17 pursuant to such contract.

18 (3) The authorized user has entered into an agreement
19 with the commission to become part of the network prior to
20 June 1, 1994, which does not provide for use of the network
21 for all video, data, and voice requirements of the agency.
22 The commission may enter into an agreement described in this
23 subparagraph upon a determination that the use of the network
24 for all video, data, and voice requirements of the agency would
25 not be in the best interests of the agency.

26 *b.* A private or public agency, other than a private college
27 or university or a nonpublic school, shall petition the
28 commission for a waiver of the requirement to use the network
29 as provided in paragraph "a", if the agency determines that
30 paragraph "a", subparagraph (1) or (2) applies. The commission
31 shall establish by rule a review process for determining, upon
32 application of an authorized user, whether paragraph "a",
33 subparagraph (1) or (2) applies. An authorized user found
34 by the commission to be under contract for such services as
35 provided in paragraph "a", subparagraph (2), shall not enter

1 into another contract upon the expiration of such contract,
2 but shall utilize the network for such services as provided in
3 this section unless paragraph "a", subparagraph (1), applies.
4 A waiver approved by the commission may be for a period as
5 requested by the private or public agency of up to three years.

6 c. A private college or university or a nonpublic school
7 which certifies to the commission pursuant to subsection 1
8 that the private college, university, or nonpublic school is
9 a part of or intends to become a part of the network may use
10 the network for its video, data, or voice requirements as
11 determined by the private college or university or nonpublic
12 school.

13 EXPLANATION

14 This bill exempts a private college or university or a
15 nonpublic school from a requirement that a private or public
16 agency which certifies to the Iowa telecommunications and
17 technology commission that it is a part of or intends to become
18 a part of the Iowa communications network shall use the network
19 for all video, data, and voice requirements of the agency
20 unless the agency petitions the commission for a waiver and the
21 waiver is granted. The bill provides, in the alternative, that
22 a private college or university or a nonpublic school which
23 certifies to the commission that it is a part of or intends to
24 become a part of the network may use the network for its video,
25 data, or voice requirements as determined by that entity.

26 The bill also provides that if a waiver is granted to a
27 public or private agency, that waiver shall apply for a period
28 as requested by the agency, not to exceed three years.